PHILIP MORRIS U. S. A.

INTER-OFFICE CORRESPONDENCE

RICHMOND, VIRGINIA

To: · Art Palmer

Date: May 4, 1983

From: · J. L. Charles

Subject: · Royalty-Free License of U. S. Patent 4,299,915

Gentest, an operating company of Cambridge Research and Development Group, granted Philip Morris USA an extension of the royalty-free use of U. S. Patent 4,299,915 until March 31, 1983. Our last correspondence from Gentest (Dr. Bruce Penman) was January 14, 1983 which stated that Gentest's long term position on licensing would have been formulated by March 31, 1983.

Since March 31, 1983, I have attempted three times to contact Dr. Penman regarding our continued use of the patent:

1. I first tried Cambridge Research and Development (the phone number on Gentest letterhead was Cambridge Research and Development Group). The person answering the phone was not familiar with either Dr. Penman or Gentest. I asked to speak with Marvin Rosenberg who is general counsel for Cambridge R & D and was told he was unavailable. I was then told that a phone number for Gentest would be obtained and my call would be returned in thirty minutes. My call was never returned.

2. One week later I called Cambridge R & D and was given a phone number for Gentest and Dr. Penman. I called Dr. Penman, was told Dr. Penman was unavailable and that he would return my call. He did not return my call.

3. On April 27, 1983, I called Dr. Penman again and found that an answering service was receiving his calls. I left my number with a message for Dr. Penman to please return my call. I have not received a return call.

In view of my continuing inability to deal with Cambridge R & D and Gentest in a business-like manner (both prior to and after March 31, 1983), I believe it is in the best interest of Philip Morris USA to discontinue the use of U. S. Patent 4,299,915. I have discussed this matter with Dr. Osdene and he concurs with my decision.

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I have instructed Dr. Terry Yu of the Biochemical Research Division to destroy all *Salmonella typhimurium* organisms and to discontinue any further work with the 8-azaguanine forward mutation assay (the organism and the assay are the subject of U. S. Patent 4,299,915) effective May 4, 1983.

Any further discussion of the use of U. S. Patent 4,299,915 will have to be initiated by Gentest or Cambridge Research and Development Group.

cc: Dr. T. S. Osdene
Dr. R. N. Ferguson
Dr. T. T. Yu

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T S. OSDENE

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